

Amendment No. 1 to HB1705

Todd
Signature of Sponsor

AMEND Senate Bill No. 1577*

House Bill No. 1705

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 12-4-106, is amended by adding the following language as a new subdivision (3):

(3)

(A) For construction of local correctional facility projects or additions to existing correctional facility buildings, a county, city, metropolitan government or town, may contract for construction management agent or advisor services. Construction management services that are provided for a fee and that involve preconstruction and construction administration and management services are deemed to be professional services and may be performed by a qualified person licensed under title 62, chapter 6. Construction management services are to be procured for each project through a written request for proposals process through advertisement. Such procurement and advertisement shall be in accordance with laws, regulations, and/or ordinances of the county, city, metropolitan government or town. The written request for proposals process will invite prospective proposers to participate and will indicate the service requirements and the factors used for evaluating the proposals. Such factors shall include the construction manager's qualifications and experience on similar projects, qualifications of personnel to be assigned to the project, fees and costs, or any additional factors deemed relevant by the procuring entity for procurement of the service. Cost is not to be the sole criterion for evaluation. The contract for such services shall be awarded to the best qualified and responsive proposer. A construction manager is prohibited from undertaking actual construction work on

a project over which such construction manager coordinates or oversees the planning, bid or construction phases of the project, except in instances where bids have been solicited twice and no bids have been submitted. If the construction manager can document that a good faith effort was made in each bid solicitation to obtain bids, and no bids were received, then the construction manager may perform the construction work at a price agreed upon by the construction manager, the architect and the owner of the project. A governing body, at its own discretion, may perform work on the project with its own employees, and may include the coordination and oversight of this work as part of the services of the construction manager. Sealed bids for actual construction work shall be opened at the bid opening and the names of the contractors and their bid amounts shall be announced;

(B) A contract manager who provides construction management services must be a contractor licensed in Tennessee;

(C) Construction work which is under the coordination and oversight of a construction manager shall be procured through competitive bids.

SECTION 2. This act shall be effective upon becoming the law, the public welfare requiring it.